

REMARKS

At the outset, the Applicant wishes to thank Patent Examiner Catherine Simone for the many courtesies extended to the undersigned attorney during the Personal Interview on July 12, 2007, at the U.S.P.T.O. The substance of this Personal Interview is set forth in the Examiner Interview Summary, and in this Amendment.

The amendments to this patent application are as follows. Claim 32 is being amended in order to change the word "comprising" to the phrase "consisting of." Therefore, in claim 32, the following similar words have been cancelled namely: "comprise," or "comprises," and then replaced by "consist of" or "consists of" respectively.

The Applicant comments upon the prior art rejections of the claims as follows.

On Page 2 of the Office Action, the Patent Examiner has withdrawn the 35 U.S.C. 103 rejection of claims 1, 2, 7, 9, 11, 14, 16, 18, 20, 21, 24-26, and 28-30 over *Wiercinski et al.*, in view of *Hurst* due to Applicant's Amendment filed February 16, 2007. Also withdrawn are the 35 U.S.C. 103 rejection of claims

17 and 19 over *Wiercinski et al.* in view of *Hurst* and further in view of *Zickell et al.* and the 35 U.S.C. 103 rejection of claim 31 over *Wiercinski et al.* in view of *Hurst* and further in view of *Kalkanoglu*.

On Page 3 of the Office Action, the Patent Examiner has rejected claims 2, 7, 9, 11, 14, 16, 18, 20, 21, 24, 28-30, and 32 under 35 U.S.C. 103(a) as being unpatentable over *Rowe* (U.S. Patent No. 4,396,665) in view of *Hurst* (U.S. Patent No. 3,900,102) and in view of *Wiercinski et al* (U.S. Patent No. 5,687,517) and in view of *DE 200 19212 U*.

On Page 7 of the Office Action, the Patent Examiner has rejected claims 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 32 above, and further in view of *Zickell* (U.S. Patent No. 4,992,315).

On Page 8 of the Office Action, the Patent Examiner has rejected claim 31 under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 32 above, and further in view of *Kalkanoglu* (U.S. Patent No. 4,757,652).

The present invention is directed to a film-bitumen combination consisting of at least three layers wherein said at

least three layers consist of a bituminous layer and at least two film layers made from different materials, said bituminous layer being coated on said at least two film layers;

said at least two film layers consisting of a first film layer and a second film layer produced from a polyolefin, polypropylene, polyamide, polyethylene terephthalate (PET), or polyacrylonitrile;

said first film layer being located further away from said bituminous layer and having a larger coefficient of elongation than said second film layer;

wherein at least a first edge of said at least two film layers projects beyond the bituminous layer and at least a second edge of said at least two film layers is shorter than the bituminous layer;

wherein a surface of a side of the combination facing away from the bituminous layer has been treated to have non-slip properties;

wherein each individual film layer is arranged in the combination in accordance with its thermal stability and its mechanical strength;

a barrier layer against mineral oils, oxygen or UV radiation disposed between two adjacent layers of said at least two film layers; and

wherein said barrier layer consists of a layer of lacquer.

During the Personal Interview, it was pointed out that the primary reference to *Rowe U.S. Patent No. 4,396,665* discloses in column 4, in lines 40 to 44, that a layer 2 of metal film or metal foil is placed between the upper polymeric film 3 and the lower bituminous water proofing adhesive layer 1.

By amending independent claim 32 to change "comprising" to "consisting of," all the claims have now been so limited as to exclude the metal film or metal foil layer 2 of *Rowe*. By excluding this metal film or metal foil layer 2 of *Rowe*, this prior art reference is inoperable and is no longer relevant to the claimed invention. This is because the claimed invention includes a barrier layer consisting of a layer of lacquer.

*Abstracted Publication No. DE 20019212U* discloses a compound material with a vapor barrier comprising an aluminum foil (1) which on one side is coated with a layer (2) of plastic such as, for example polyethylene terephthalate (PET), while on the other side it is coated with a lacquer (3) for protection against corrosion and for improving adhesion between aluminum and a bitumen layer (5). It is used as a roof cover material.

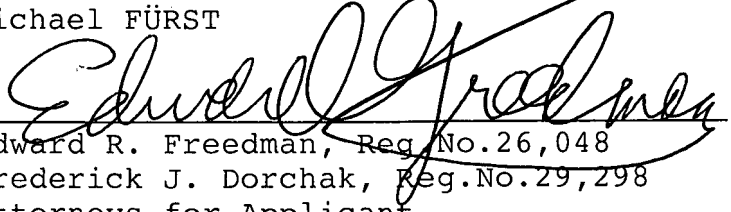
By amending independent claim 32 to change "comprising" to "consisting of," all the claims have been so limited as to

exclude the "aluminum foil (1)" of DE20019212U. This renders this document to be inoperable and irrelevant to the claimed invention.

None of the other cited prior art references namely: Rowe, Hurst, Wiercinski et al, Zickell and Kalkanoglu, teach or suggest the claimed invention.

For all the reasons set forth above, no prior art reference (Wiercinski et al, Hurst, Rowe, DE 200 19212 U, Zickell, or Kalkanoglu) provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102. Withdrawal of this ground of rejection is respectfully requested. For all these reasons, the present invention and all the claims are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. A prompt notification of allowability is respectfully requested.

Respectfully submitted,  
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Enclosure: 1. Copy of Petition for two-month Extension of Time-  
Large Entity

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 7, 2007.

  
Kelly Espitia